

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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**VICTOR SOWELL,**

Plaintiff,

**9:13-cv-1482  
(GLS/DJS)**

**v.**

**STEVEN BULLIS et al.,**

**Defendants.**

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**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

Victor Sowell  
Plaintiff, *Pro Se*  
P.O. Box 493  
Brooklyn, NY 11224

**FOR THE DEFENDANTS:**

HON. ERIC T. SCHNEIDERMAN  
New York State Attorney General  
Litigation Bureau  
The Capitol  
Albany, New York 12224

JOSHUA E. MCMAHON  
Assistant Attorney General

**Gary L. Sharpe  
Senior District Judge**

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation and Order by Magistrate Judge Daniel J. Stewart, duly filed on March 25, 2016. (Dkt. No. 41.) Following fourteen days from the

service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.<sup>1</sup>

No objections having been filed, and the court having reviewed the Report-Recommendation for clear error, it is hereby

**ORDERED** that the Report-Recommendation and Order (Dkt. No. 41) is **ADOPTED** in its entirety; and it is further

**ORDERED** that defendants' motion for summary judgment (Dkt. No. 34) is **GRANTED IN PART** and **DENIED IN PART** as follows:

**GRANTED** as to all claims against defendant Fischer and defendant Fischer is **DISMISSED** from this action;

**GRANTED** as to all claims against defendant (Hubbard) Simmons and defendant Simmons is **DISMISSED** from this action;

**DENIED IN PART** as to defendant Bullis solely on the claim that he is alleged to have violated the plaintiff's due process rights by refusing to call two witnesses; but **GRANTED** in all

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<sup>1</sup> On February 24, 2016, plaintiff filed a letter seeking the appointment of counsel and an update on the status of his case. (Dkt. No. 40.) Plaintiff's request for an update is satisfied by the filing of this order. The request for assignment of counsel, (*id.*), is referred to Magistrate Judge Stewart for disposition.

other respects; and

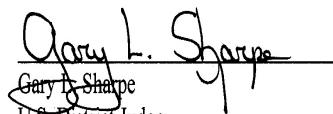
**DENIED** as to defendant Prack; and it is further

**ORDERED** that this case is deemed trial ready and a trial scheduling order will be issued in due course; and it is further

**ORDERED** that the clerk of the court serve a copy of this order upon the parties in accordance with this court's Local Rules.

**IT IS SO ORDERED.**

April 27, 2016  
Albany, New York

  
Gary L. Sharpe  
U.S. District Judge